

Information Packet
Chapter 296-307 WAC, Safety Standards for Agriculture
and Other Updates

Public Hearings

Date: July 11, 2001
Time: 9:00 a.m.
Location: Department of Labor and Industries Building
7273 Linderson Way Southwest
Room S119
Tumwater, Washington

Date: July 12, 2001
Time: 1:30 p.m.
Location: Best Inn
901 Berry Road
Ellensburg, Washington

The Department of Labor and Industries will hold public hearings to receive information and comments about proposed changes to the rules in chapter 296-307 WAC. As a result of the new Safety and Health Core Rules, Chapter 296-800 WAC, which were adopted on May 9, 2001, additional clarifying and housekeeping changes are needed. The majority of the changes are references that need to be updated throughout WISHA's other rules. Also, the agricultural industry voiced their concern at the public hearings for the Safety and Health Core Rules that some of the core rules would apply to them. We subsequently met with stakeholders in the agricultural industry to address their concerns. It was agreed that some of the rules in the Safety and Health Core Rule Book, which were taken from Chapter 296-62 WAC, General Occupational Health Standards, should be included in Chapter 296-307 WAC, Safety Standards for Agriculture. They are:

- Employer Chemical Hazard Communication
- Lighting
- Environmental Tobacco Smoke

We would like your comments on whether you think this meets the requirements and intent of RCW 49.17.041 (2) and (3), which states in part that "...rules for agricultural safety adopted under this chapter must exempt agricultural employers from the general industry safety standard adopted under chapter 49.17 RCW for all rules not specifically referenced in the agriculture safety standard." And "The department shall publish in one volume all of the occupational safety rules that apply to agricultural employers..."

Also, the first-aid requirements in Chapter 296-307 WAC are being updated, which is actually more current, allowing 2 options for employers to ensure that there will be first-aid trained staff.

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Also, other reference changes in the following chapters:

- Chapter 296-24 WAC, General Safety and Health Standards
- Chapter 296-32 WAC, Safety Standards for Telecommunications
- Chapter 296-36 WAC, Safety Standards—Compressed Air Work
- Chapter 296-45 WAC, Safety Standards for Electrical Work
- Chapter 296-54 WAC, Safety Standards for Logging Operations
- Chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations
- Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations
- Chapter 296-62 WAC, General Occupational Health Standards
- Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations
- Chapter 296-155 WAC, Safety Standards for Construction Work
- Chapter 296-307 WAC, Safety Standards for Agriculture
- Chapter 296-350 WAC, WISHA Administrative Rules

The rules are proposed under the authority granted by Chapter 49.17 RCW.

If you require special communication or accommodation arrangements, please contact us at (360) 902-5484 no later than June 27, 2001. Requests received after that date might not allow adequate time to make the arrangements.

Send written comments using one of the following:

By mail to:

Tracy Spencer, Program Manager
WISHA Services Division
PO Box 44620
Olympia, WA 98504-4620

By fax: 360-902-5529 (Comments submitted by fax must be 10 pages or less.)

By electronic mail to:

Cindy Ireland, WISHA Standards Project Manager
<mailto:mooc235@lni.wa.gov>

Comments must be received no later than July 16, 2001.

The department will respond in writing to everyone submitting oral and written comments before the deadline, and after the department has adopted changes to the rules.

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Small Business Economic Impact Statement:

A number of criteria and exemptions were established for the SBEIS analysis. One key exemption from preparation of an SBEIS is presented in RCW 34.05.310(4)(d); “rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect” are not subject to the SBEIS requirements. Because the transfer of certain health rules from Chapter 296-800 WAC, to Chapter 296-307 WAC represents an industry requested organizational change and does not alter the content or intent of the original rules, there will not be an economic impact on Washington State business.

The analysis of the proposed rule change reveals that in addition to not imposing new costs on businesses, the proposed changes will actually make WISHA rules easier for agriculture employers and employees to understand and use, and thus actually save them time. In conclusion, an SBEIS is not required for these rule changes.

Details of specific proposed amendments will be published in Washington State Register 01-13 on June 20, 2001. The tentative adoption date for these rules is August 1, 2001 and the tentative effective date is September 1, 2001.

Copies of the proposed rule changes are available upon request by calling toll free at 1-800-423-7233; or by written request to the Department of Labor and Industries, WISHA Services Division, Standards Section, Post Office Box 44620, Olympia, Washington 98504-4620. Copies of the proposed rules will also be available at the public hearing.

Correspondence relating to this notice and rules should be addressed to Tracy Spencer, Standards Manager, WISHA Services Division, Department of Labor and Industries, Post Office Box 44620, Olympia, Washington 98504-4620.

The WISHA Services Division office in Olympia is located at 7273 Linderson Way S.W. in Tumwater, Washington. **(This is not a mailing address. Please use the Olympia post office box address listed above for mail.)**

Chapter 296-24 WAC, General Safety and Health Standards

WAC 296-24-23505, Cabs

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-260, Helicopters

- Add a reference to subsection (21) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-33009, Container and portable tank storage

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

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WAC 296-24-33015, Service stations

- Add a reference to subsection (8) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47509, Systems utilizing containers other than DOT containers

- Add a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47513, Storage of containers awaiting use or resale

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-47517, Liquefied petroleum gas service stations

- Add a reference to subsection (14) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-55001, Definitions

- Delete the following definitions: “Means of egress”, “Exit access”, “Exit”, “Exit discharge”, “Low hazard contents”, “High hazard contents” and “Ordinary hazard contents”.

WAC 296-24-59203, Exemptions

- These requirements are located in WAC 296-800-300.
- Repeal this section.

WAC 296-24-631, Employee alarm systems

- Requirements relating to employee alarm systems are located in WAC 296-800-300.
- Repeal this section.

WAC 296-24-63101, Scope and application

- Repeal this section.

WAC 296-24-63103, General requirements

- Repeal this section.

WAC 296-24-63105, Installation and restoration

- Repeal this section.

WAC 296-24-63107, Maintenance and testing

- Repeal this section.

WAC 296-24-63109, Manual operation

- Repeal this section.

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WAC 296-24-63199, Appendix A—Employee alarm systems

- Repeal this section.

WAC 296-24-68215, Public exhibitions and demonstrations

- Add a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-24-75003, Protection for floor openings

- Requirements relating to guarding of stairway floor openings are located in WAC 296-800-260 and WAC 296-800-260.
- Requirements relating to guarding of temporary floor openings are located in WAC 296-800-250 and WAC 296-800-260.
- Requirements relating to guarding of floor holes are located in WAC 296-800-250 and WAC 296-800-260.
- Requirements relating to floor hole covers are located in WAC 296-800-250 and WAC 296-800-260.
- Requirements relating to doors or gates opening directly on a stairway are located in WAC 296-800-250.

WAC 296-24-75007, Protection of open-sided floors, platforms and runways

- Requirements relating to the guarding of open-sided floors or platforms 4 feet or more above adjacent floor or ground level are located in WAC 296-800-250.
- Deleted the words “floors” and “platforms” from the title of this section.

WAC 296-24-75009, Stairway railings and guards

- Requirements relating to stairway railings and guards are located in WAC 296-800-250.
- Repeal this section.

WAC 296-24-78003, Application of requirements

- Deleted the words “care and use” from this section. Requirements relating to the care and use of ladders are located in WAC 296-880-290.

WAC 296-24-78005, Materials

- Moved the table from WAC 296-24-78009, relating to the classification of various species of wood acceptable for use in a ladder, to this section for better organization of information.

WAC 296-24-78009, Care and use of ladders

- Requirements relating to the care and use of ladders are located in WAC 296-800-290.
- Moved the table relating to the classification of various species of wood acceptable for use in a ladder to WAC 296-24-78005 for better organization of information.
- Remaining requirements left in this section relate to ladder tests.
- Changed the title of this section to “Ladder tests”.

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Chapter 296-32 WAC, Safety Standards for Telecommunications

WAC 296-32-250, Tools and personal protective equipment

- Add a reference to subsection (9) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-36 WAC, Safety Standards—Compressed Air Work

WAC 296-36-190, Fire prevention and fire fighting

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-45 WAC, Safety Standards for Electrical Work

WAC 296-45-67545, Refueling operations

- Add a reference to subsection (2) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-54 WAC, Safety Standards for Logging Operations

WAC 296-54-521, Motor vehicles

- Add a reference to subsection (9) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-54-59330, Log unloading, booms, and rafting grounds—Boats and mechanical devices on waters

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-56 WAC, Safety Standards for Longshore, Stevedore and Related Waterfront Operations

WAC 296-56-60083, Cranes and derricks

- Add a reference to subsection (6) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60171, General requirements

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-56-60207, General requirements

- Add a reference to subsection (4) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

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Chapter 296-59 WAC, Safety Standards for Ski Area Facilities and Operations

WAC 296-59-105, Handcharge makeup methods

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-62 WAC, General Occupational Health Standards

WAC 296-62-05209, Access to records

- Update a reference.

WAC 296-62-07619, Hygiene facilities and practices

- Update a reference.

WAC 296-62-07719, Hygiene facilities and practices

- Update references.

WAC 296-62-09001, Definitions

- Delete the definition of “Illumination”. This definition is located in the Safety and Health Core Rules, Chapter 296-800 WAC.
- Renumber section.

WAC 296-62-31335, Showers and change rooms

- Update a reference

WAC 296-62-40025, Appendix A—National Research Council recommendations concerning chemical hygiene in laboratories (nonmandatory)

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations

WAC 296-78-56505, Boats and mechanical devices on water

- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-78-795, Crane cages

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-155 WAC, Safety Standards for Construction Work

WAC 296-155-260, Fire protection

- Add references to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

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WAC 296-155-270, Flammable and combustible liquids

- Add a reference to subsection (4) referencing the portable fire extinguisher requirements located in WAC 296-800-300.
- Add a reference to subsection (7) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-275, Liquefied petroleum gas (LP-gas)

- Add a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-525, Cranes and derricks

- Add a reference to subsection (3) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-575, Helicopters and helicopter cranes

- Add a reference to subsection (20) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-730, Tunnels and shafts

- Add a reference to subsection (22) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

WAC 296-155-745, Compressed air

- Add a reference to subsection (12) referencing the portable fire extinguisher requirements located in WAC 296-800-300.

Chapter 296-307 WAC, Safety Standards for Agriculture

WAC 296-307-018, What are the employer's responsibilities?

- Update a reference.

WAC 296-307-039, How many people at the worksite must be first-aid trained?

- Change the title of this section to "First-aid summary".

WAC 296-307-03905, Make sure that first-aid trained personnel are available to provide quick and effective first-aid

- Create this section to include requirements relating to first-aid trained personnel being available.

WAC 296-307-03910, Make sure first-aid training contains required subjects

- Create this section to include requirements relating to first-aid training.

WAC 296-307-03915, Document your first-aid training

- Create this section to include requirements relating to documenting first-aid training.

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WAC 296-307-03920, Make sure appropriate first-aid supplies are readily available

- Create this section to include requirements relating to appropriate first-aid supplies.

WAC 296-307-03925, Provide a first-aid station when required

- Create this section to include requirements relating to first-aid stations.

WAC 296-307-042, Must an employer provide first-aid kits?

- Repeal this section. Requirements are located in WAC 296-307-03920.

WAC 296-307-07013, What rules apply to vehicles used to transport employees?

- Add a reference relating to first-aid in subsection (12).

WAC 296-307-12040, Pesticide safety training—Standards for workers—40 CFR, § 170.130.

- Update a reference in the note.

WAC 296-307-13025, Pesticide safety training—Standards for pesticide handlers—40 CFR, § 170.230.

- Update a reference in the note.

WAC 296-307-14505, What records must an employer keep for pesticide applications?

- Delete a reference in subsection (17).

Chapter 296-307 WAC, Part Y, Occupational Health Standards

- Create this part to incorporate related health standards currently located in Chapter 296-800 WAC that are applicable to the agriculture industry.

WAC 296-307-550, Employer Chemical Hazard Communication—Introduction

- Create this section to include an introduction and summary relating to an employer's chemical hazard communication program.

WAC 296-307-55005, Develop, implement, maintain, and make available a written chemical hazard communication program

- Create this section to include requirements relating to developing, implementing, maintaining, and making available a written chemical hazard communication program.

WAC 296-307-55010, Identify and list all the hazardous chemicals present in your workplace

- Create this section to include requirements relating to identifying and listing all the hazardous chemicals in your workplace.

WAC 296-307-55015, Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used

- Create this section to include requirements relating to obtaining and maintaining material safety data sheets for each hazardous chemical used.

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WAC 296-307-55020, Make sure material safety data sheets are readily accessible to your employees

- Create this section to include requirements relating to making sure that material safety data sheets are readily accessible to your employees.

WAC 296-307-55025, Label containers holding hazardous chemicals

- Create this section to include requirements relating to labeling containers that hold hazardous chemicals.

WAC 296-307-55030, Inform and train your employees about hazardous chemicals in your workplace

- Create this section to include requirements relating to informing and training your employees about hazardous chemicals in your workplace.

WAC 296-307-55035, Follow these rules for laboratories using hazardous chemicals

- Create this section to include requirements relating to laboratories using hazardous chemicals.

WAC 296-307-55040, Follow these rules for handling chemicals in factory-sealed containers

- Create this section to include requirements relating to handling chemicals in factory-sealed containers.

WAC 296-307-55045, Translate certain chemical hazard communication documents upon request

- Create this section to include requirements relating to the department translating chemical hazard communication documents upon request.

WAC 296-307-55050, Attempt to obtain a material safety data sheet (MSDS) upon request

- Create this section to include requirements relating to the department attempt to obtain a material safety data sheet upon request.

WAC 296-307-55055, Items or chemicals exempt from the rule, and exemptions from labeling

- Create this section to include items or chemicals exempt from this rule, and exemptions from labeling.

WAC 296-307-55060, Definitions

- Create this section to include applicable definitions.

WAC 296-307-570, Lighting

- Create this section to include lighting requirements.

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WAC 296-307-57005, Provide and maintain adequate lighting

- Create this section to include requirements relating to providing and maintaining adequate lighting.

WAC 296-307-590, Environmental Tobacco Smoke in the Office

- Create this section to include environmental tobacco smoke requirements.

WAC 296-307-59005, Control tobacco smoke in your building

- Create this section to include requirements relating to controlling tobacco smoke in your building.

WAC 296-307-59010, Control tobacco smoke that comes in from the outside

- Create this section to include requirements relating to controlling tobacco smoke that comes in from the outside.

Chapter 296-350 WAC, WISHA Administrative Rules

WAC 296-350-60025, Reassuming jurisdiction or forwarding an appeal to the board

- These requirements are located in WAC 296-800-350.
- Repeal this section.